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AN ACT

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT;
CLARIFYING JURISDICTION PROCEEDINGS; MODIFYING SUPPORT
ORDERS; EXPANDING CIVIL PROVISIONS; AMENDING, REPEALING,
ENACTING AND RECOMPILING SECTIONS OF THE UNIFORM INTERSTATE
FAMILY SUPPORT ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 40-6A-101 NMSA 1978 (being Laws
1994, Chapter 107, Section 101, as amended) is recompiled as
Section 40-6A-102 NMSA 1978 and is amended to read:

"40-6A-102. DEFINITIONS.--As used in the Uniform
Interstate Family Support Act:

(1) "child" means an individual, whether over or
under the age of majority, who is or is alleged to be owed a
duty of support by the individual's parent or who is or is
alleged to be the beneficiary of a support order directed to
the parent;

(2) "child-support order" means a support order
for a child, including a child who has attained the age of
majority under the law of the issuing state;

(3) "duty of support" means an obligation imposed
or imposable by law to provide support for a child, spouse or
former spouse, including an unsatisfied obligation to provide
support;

1 (4) "home state" means the state in which a child
2 lived with a parent or a person acting as parent for at least
3 six consecutive months immediately preceding the time of
4 filing of a petition or comparable pleading for support and,
5 if a child is less than six months old, the state in which
6 the child lived from birth with any of them. A period of
7 temporary absence of any of them is counted as part of the
8 six-month or other period;

9 (5) "income" includes earnings or other periodic
10 entitlements to money from any source and any other property
11 subject to withholding for support under the law of this
12 state;

13 (6) "income-withholding order" means an order or
14 other legal process directed to an obligor's employer or
15 other debtor to withhold support from the income of the
16 obligor;

17 (7) "initiating state" means a state from which a
18 proceeding is forwarded or in which a proceeding is filed for
19 forwarding to a responding state under the Uniform Interstate
20 Family Support Act or a law or procedure substantially
21 similar to that act;

22 (8) "initiating tribunal" means the authorized
23 tribunal in an initiating state;

24 (9) "issuing state" means the state in which a
25 tribunal issues a support order or renders a judgment

1 determining parentage;

2 (10) "issuing tribunal" means the tribunal that
3 issues a support order or renders a judgment determining
4 parentage;

5 (11) "law" includes decisional and statutory law
6 and rules and regulations having the force of law;

7 (12) "obligee" means:

8 (i) an individual to whom a duty of support
9 is or is alleged to be owed or in whose favor a support order
10 has been issued or a judgment determining parentage has been
11 rendered;

12 (ii) a state or political subdivision to
13 which the rights under a duty of support or support order
14 have been assigned or which has independent claims based on
15 financial assistance provided to an individual obligee; or

16 (iii) an individual seeking a judgment
17 determining parentage of the individual's child;

18 (13) "obligor" means an individual or the estate
19 of a decedent who:

20 (i) owes or is alleged to owe a duty of
21 support;

22 (ii) is alleged but has not been adjudicated
23 to be a parent of a child; or

24 (iii) is liable under a support order;

25 (14) "person" means an individual, corporation,

1 business trust, estate, trust, partnership, limited liability
2 company, association, joint venture, government, governmental
3 subdivision, agency or instrumentality, public corporation or
4 any other legal or commercial entity;

5 (15) "record" means information that is inscribed
6 on a tangible medium or that is stored in an electronic or
7 other medium and is retrievable in perceivable form;

8 (16) "register" means to record a support order or
9 judgment determining parentage in the appropriate tribunal of
10 this state;

11 (17) "registering tribunal" means a tribunal in
12 which a support order is registered;

13 (18) "responding state" means a state in which a
14 proceeding is filed or to which a proceeding is forwarded for
15 filing from an initiating state under the Uniform Interstate
16 Family Support Act or law or procedure substantially similar
17 to that act;

18 (19) "responding tribunal" means the authorized
19 tribunal in a responding state;

20 (20) "spousal support order" means a support order
21 for a spouse or former spouse of the obligor;

22 (21) "state" means a state of the United States,
23 the District of Columbia, Puerto Rico, the United States
24 Virgin Islands or any territory or insular possession subject
25 to the jurisdiction of the United States. "State" includes

1 an Indian tribe, pueblo, nation or band and a foreign country
2 or subdivision that has:

3 (i) been declared to be a foreign
4 reciprocating country or political subdivision under federal
5 law;

6 (ii) established a reciprocal arrangement
7 for child support with this state as provided in Section
8 40-6A-308 NMSA 1978; or

9 (iii) enacted a law or established
10 procedures for issuance and enforcement of support orders
11 which are substantially similar to the procedures under the
12 Uniform Interstate Family Support Act;

13 (22) "support enforcement agency" means a public
14 official or agency authorized to:

15 (i) seek enforcement of support orders or
16 laws relating to the duty of support;

17 (ii) seek establishment or modification of
18 child support;

19 (iii) seek determination of parentage;

20 (iv) locate obligors or their assets; or

21 (v) determine the controlling child-support
22 order;

23 (23) "support order" means a judgment, decree,
24 order or directive, whether temporary, final or subject to
25 modification, issued by a tribunal for the benefit of a

1 child, a spouse or a former spouse, which provides for
2 monetary support, health care, arrearages or reimbursement
3 and may include related costs and fees, interest, income
4 withholding, attorney's fees and other relief; and

5 (24) "tribunal" means a court, administrative
6 agency or quasi-judicial entity authorized to establish,
7 enforce or modify support orders or to determine parentage."

8 Section 2. Section 40-6A-103 NMSA 1978 (being Laws
9 1994, Chapter 107, Section 103) is recompiled as Section
10 40-6A-104 NMSA 1978 and is amended to read:

11 "40-6A-104. REMEDIES CUMULATIVE.--

12 (a) Remedies provided by the Uniform Interstate
13 Family Support Act are cumulative and do not affect the
14 availability of remedies under other law, including the
15 recognition of a support order of a foreign country or
16 political subdivision on the basis of comity.

17 (b) The Uniform Interstate Family Support Act does
18 not:

19 (1) provide the exclusive method of
20 establishing or enforcing a support order under the law of
21 this state; or

22 (2) grant a tribunal of this state
23 jurisdiction to render judgment or issue an order relating to
24 child custody or visitation in a proceeding under the Uniform
25 Interstate Family Support Act."

1 Section 3. Section 40-6A-201 NMSA 1978 (being Laws
2 1994, Chapter 107, Section 201) is amended to read:

3 "40-6A-201. BASES FOR JURISDICTION OVER NONRESIDENT.--

4 (a) In a proceeding to establish or enforce a
5 support order or to determine parentage, a tribunal of this
6 state may exercise personal jurisdiction over a nonresident
7 individual or the individual's guardian or conservator if:

8 (1) the individual is personally served with
9 notice within this state;

10 (2) the individual submits to the
11 jurisdiction of this state by consent, by entering a general
12 appearance or by filing a responsive document having the
13 effect of waiving any contest to personal jurisdiction;

14 (3) the individual resided with the child in
15 this state;

16 (4) the individual resided in this state and
17 provided prenatal expenses or support for the child;

18 (5) the child resides in this state as a
19 result of the acts or directives of the individual;

20 (6) the individual engaged in sexual
21 intercourse in this state and the child may have been
22 conceived by that act of intercourse;

23 (7) the individual asserted parentage in the
24 putative father registry maintained in this state by the
25 department of health; or

1 (8) there is any other basis consistent with
2 the constitutions of this state and the United States for the
3 exercise of personal jurisdiction.

4 (b) The bases of personal jurisdiction set forth
5 in Subsection (a) of this section or in any other law of this
6 state may not be used to acquire personal jurisdiction for a
7 tribunal of the state to modify a child support order of
8 another state unless the requirements of Section 40-6A-611 or
9 40-6A-615 NMSA 1978 are met."

10 Section 4. Section 40-6A-202 NMSA 1978 (being Laws
11 1994, Chapter 107, Section 202) is repealed and a new Section
12 40-6A-202 NMSA 1978 is enacted to read:

13 "40-6A-202. DURATION OF PERSONAL JURISDICTION.--
14 Personal jurisdiction acquired by a tribunal of this state in
15 a proceeding under the Uniform Interstate Family Support Act
16 or other law of this state relating to a support order
17 continues as long as a tribunal of this state has continuing,
18 exclusive jurisdiction to modify its order or continuing
19 jurisdiction to enforce its order as provided by Sections
20 40-6A-205, 40-6A-206 and 40-6A-211 NMSA 1978."

21 Section 5. Section 40-6A-204 NMSA 1978 (being Laws
22 1994, Chapter 107, Section 204) is amended to read:

23 "40-6A-204. SIMULTANEOUS PROCEEDINGS.--

24 (a) A tribunal of this state may exercise
25 jurisdiction to establish a support order if the petition or

1 comparable pleading is filed after a petition or comparable
2 pleading is filed in another state only if:

3 (1) the petition or comparable pleading in
4 this state is filed before the expiration of the time allowed
5 in the other state for filing a responsive pleading
6 challenging the exercise of jurisdiction by the other state;

7 (2) the contesting party timely challenges
8 the exercise of jurisdiction in the other state; and

9 (3) if relevant, this state is the home
10 state of the child.

11 (b) A tribunal of this state may not exercise
12 jurisdiction to establish a support order if the petition or
13 comparable pleading is filed before a petition or comparable
14 pleading is filed in another state if:

15 (1) the petition or comparable pleading in
16 the other state is filed before the expiration of the time
17 allowed in this state for filing a responsive pleading
18 challenging the exercise of jurisdiction by this state;

19 (2) the contesting party timely challenges
20 the exercise of jurisdiction in this state; and

21 (3) if relevant, the other state is the home
22 state of the child."

23 Section 6. Section 40-6A-205 NMSA 1978 (being Laws
24 1994, Chapter 107, Section 205, as amended) is amended to
25 read:

1 "40-6A-205. CONTINUING, EXCLUSIVE JURISDICTION TO
2 MODIFY CHILD-SUPPORT ORDER.--

3 (a) A tribunal of this state that has issued a
4 child-support order consistent with the law of this state has
5 and shall exercise continuing, exclusive jurisdiction to
6 modify its child-support order if the order is the
7 controlling order and:

8 (1) at the time of the filing of a request
9 for modification this state is the residence of the obligor,
10 the individual obligee or the child for whose benefit the
11 support order is issued; or

12 (2) even if this state is not the residence
13 of the obligor, the individual obligee or the child for whose
14 benefit the support order is issued, the parties consent in a
15 record or in open court that the tribunal of this state may
16 continue to exercise jurisdiction to modify its order.

17 (b) A tribunal of this state that has issued a
18 child-support order consistent with the law of this state may
19 not exercise continuing exclusive jurisdiction to modify the
20 order if:

21 (1) all of the parties who are individuals
22 file consent in a record with the tribunal of this state that
23 a tribunal of another state that has jurisdiction over at
24 least one of all the parties who is an individual or that is
25 located in the state of residence of the child may modify the

1 order and assume continuing, exclusive jurisdiction; or

2 (2) its order is not the controlling order.

3 (c) If a tribunal of another state has issued a
4 child-support order pursuant to the Uniform Interstate Family
5 Support Act or a law substantially similar to that act that
6 modifies a child-support order of a tribunal of this state,
7 tribunals of this state shall recognize the continuing,
8 exclusive jurisdiction of the tribunal of the other state.

9 (d) A tribunal of this state that lacks
10 continuing, exclusive jurisdiction to modify a child-support
11 order may serve as an initiating tribunal to request a
12 tribunal of another state to modify a support order issued in
13 that state.

14 (e) A temporary support order issued ex parte or
15 pending resolution of a jurisdictional conflict does not
16 create continuing, exclusive jurisdiction in the issuing
17 tribunal."

18 Section 7. Section 40-6A-206 NMSA 1978 (being Laws
19 1994, Chapter 107, Section 206) is amended to read:

20 "40-6A-206. CONTINUING JURISDICTION TO ENFORCE
21 CHILD-SUPPORT ORDER.--

22 (a) A tribunal of this state that has issued a
23 child-support order consistent with the law of this state may
24 serve as an initiating tribunal to request a tribunal of
25 another state to enforce:

1 (1) the order if the order is the
2 controlling order and has not been modified by a tribunal of
3 another state that assumed jurisdiction pursuant to the
4 Uniform Interstate Family Support Act; or

5 (2) a money judgment for arrears of support
6 and interest on the order accrued before a determination that
7 an order of another state is the controlling order.

8 (b) A tribunal of this state having continuing
9 jurisdiction over a support order may act as a responding
10 tribunal to enforce the order."

11 Section 8. Section 40-6A-207 NMSA 1978 (being Laws
12 1994, Chapter 107, Section 207, as amended) is amended to
13 read:

14 "40-6A-207. DETERMINATION OF CONTROLLING CHILD-SUPPORT
15 ORDER.--

16 (a) If a proceeding is brought under the Uniform
17 Interstate Family Support Act and only one tribunal has
18 issued a child-support order, the order of that tribunal
19 controls and shall be so recognized.

20 (b) If a proceeding is brought under the Uniform
21 Interstate Family Support Act and two or more child-support
22 orders have been issued by tribunals of this state or another
23 state with regard to the same obligor and same child, a
24 tribunal of this state having personal jurisdiction over both
25 the obligor and individual obligee shall apply the following

1 rules and by order shall determine which order controls:

2 (1) if only one of the tribunals would have
3 continuing, exclusive jurisdiction under the Uniform
4 Interstate Family Support Act, the order of that tribunal
5 controls and shall be so recognized;

6 (2) if more than one of the tribunals would
7 have continuing, exclusive jurisdiction under the Uniform
8 Interstate Family Support Act, an order issued by a tribunal
9 in the current home state of the child controls, but if an
10 order has not been issued in the current home state of the
11 child, the order most recently issued controls; and

12 (3) if none of the tribunals would have
13 continuing, exclusive jurisdiction under the Uniform
14 Interstate Family Support Act, the tribunal of this state
15 shall issue a child-support order, which controls.

16 (c) If two or more child-support orders have been
17 issued for the same obligor and same child upon request of a
18 party who is an individual or support enforcement agency, a
19 tribunal of this state having personal jurisdiction over both
20 the obligor and the obligee who is an individual shall
21 determine which order controls under Subsection (b) of this
22 section. The request may be filed with a registration for
23 enforcement or registration for modification pursuant to
24 Sections 40-6A-601 through 40-6A-615 NMSA 1978, or may be
25 filed as a separate proceeding.

1 (d) A request to determine which is the
2 controlling order shall be accompanied by a copy of every
3 child-support order in effect and the applicable record of
4 payments. The requesting party shall give notice of the
5 request to each party whose rights may be affected by the
6 determination.

7 (e) The tribunal that issued the controlling order
8 under Subsection (a), (b) or (c) of this section has
9 continuing jurisdiction to the extent provided in Section
10 40-6A-205 or 40-6A-206 NMSA 1978.

11 (f) A tribunal of this state that determines by
12 order which is the controlling order under Paragraph (1) or
13 (2) of Subsection (b) or Subsection (c) of this section or
14 that issues a new controlling order under Paragraph (3) of
15 Subsection (b) of this section shall state in that order:

16 (1) the basis on which the tribunal made its
17 determination;

18 (2) the amount of prospective support, if
19 any; and

20 (3) the total amount of consolidated arrears
21 and accrued interest, if any, under all of the orders after
22 all payments made are credited as provided by Section
23 40-6A-209 NMSA 1978.

24 (g) Within thirty days after issuance of an order
25 determining which is the controlling order, the party

1 obtaining the order shall file a certified copy of it in each
2 tribunal that issued or registered an earlier order of child
3 support. A party or support enforcement agency obtaining the
4 order that fails to file a certified copy is subject to
5 appropriate sanctions by a tribunal in which the issue of
6 failure to file arises. The failure to file does not affect
7 the validity or enforceability of the controlling order.

8 (h) An order that has been determined to be the
9 controlling order, or a judgment for consolidated arrears of
10 support and interest, if any, made pursuant to this section
11 must be recognized in proceedings under the Uniform
12 Interstate Family Support Act."

13 Section 9. Section 40-6A-208 NMSA 1978 (being Laws
14 1994, Chapter 107, Section 208) is amended to read:

15 "40-6A-208. CHILD SUPPORT ORDERS FOR TWO OR MORE
16 OBLIGEES.--In responding to registrations or petitions for
17 enforcement of two or more child support orders in effect at
18 the same time with regard to the same obligor and different
19 individual obligees, at least one of which was issued by a
20 tribunal of another state, a tribunal of this state shall
21 enforce those orders in the same manner as if the orders had
22 been issued by a tribunal of this state."

23 Section 10. Section 40-6A-209 NMSA 1978 (being Laws
24 1994, Chapter 107, Section 209) is amended to read:

25 "40-6A-209. CREDIT FOR PAYMENTS.--A tribunal of this

1 state shall credit amounts collected for a particular period
2 pursuant to any child-support order against the amounts owed
3 for the same period under any other child-support order for
4 support of the same child issued by a tribunal of this or
5 another state."

6 Section 11. A new section of the Uniform Interstate
7 Family Support Act, Section 40-6A-210 NMSA 1978, is enacted
8 to read:

9 "40-6A-210. APPLICATION OF THE UNIFORM INTERSTATE
10 FAMILY SUPPORT ACT TO A NONRESIDENT SUBJECT TO PERSONAL
11 JURISDICTION.--A tribunal of this state exercising personal
12 jurisdiction over a nonresident in a proceeding under the
13 Uniform Interstate Family Support Act, under other law of
14 this state relating to a support order or recognizing a
15 support order of a foreign country or political subdivision
16 on the basis of comity may receive evidence from another
17 state pursuant to Section 40-6A-316 NMSA 1978, communicate
18 with a tribunal or another state pursuant to Section
19 40-6A-317 NMSA 1978 and obtain discovery through a tribunal
20 of another state pursuant to Section 40-6A-318 NMSA 1978. In
21 all other respects, Sections 40-6A-301 through 40-6A-701 NMSA
22 1978 do not apply and the tribunal shall apply the procedural
23 and substantive law of this state."

24 Section 12. A new section of the Uniform Interstate
25 Family Support Act, Section 40-6A-211 NMSA 1978, is enacted

1 to read:

2 "40-6A-211. CONTINUING, EXCLUSIVE JURISDICTION TO
3 MODIFY SPOUSAL-SUPPORT ORDER.--

4 (a) A tribunal of this state issuing a
5 spousal-support order consistent with the law of this state
6 has continuing, exclusive jurisdiction to modify the
7 spousal-support order through the existence of the support
8 obligation.

9 (b) A tribunal of this state may not modify a
10 spousal-support order issued by a tribunal of another state
11 having continuing, exclusive jurisdiction over that order
12 under the law of that state.

13 (c) A tribunal of this state that has continuing,
14 exclusive jurisdiction over a spousal-support order may serve
15 as:

16 (1) an initiating tribunal to request a
17 tribunal of another state to enforce the spousal-support
18 order issued in this state; or

19 (2) a responding tribunal to enforce or
20 modify its own spousal-support order."

21 Section 13. Section 40-6A-301 NMSA 1978 (being Laws
22 1994, Chapter 107, Section 301) is amended to read:

23 "40-6A-301. PROCEEDINGS UNDER THE UNIFORM INTERSTATE
24 FAMILY SUPPORT ACT.--

25 (a) Except as otherwise provided in the Uniform

1 Interstate Family Support Act, Sections 40-6A-301 through
2 40-6A-319 NMSA 1978 apply to all proceedings under that act.

3 (b) An individual petitioner or a support
4 enforcement agency may initiate a proceeding authorized under
5 the Uniform Interstate Family Support Act by filing a
6 petition in an initiating tribunal for forwarding to a
7 responding tribunal or by filing a petition or a comparable
8 pleading directly in a tribunal of another state which has or
9 can obtain personal jurisdiction over the respondent."

10 Section 14. Section 40-6A-302 NMSA 1978 (being Laws
11 1994, Chapter 107, Section 302) is amended to read:

12 "40-6A-302. PROCEEDING BY MINOR PARENT.--A minor
13 parent, or a guardian or other legal representative of a
14 minor parent, may maintain a proceeding on behalf of or for
15 the benefit of the minor's child."

16 Section 15. Section 40-6A-303 NMSA 1978 (being Laws
17 1994, Chapter 107, Section 303, as amended) is amended to
18 read:

19 "40-6A-303. APPLICATION OF LAW OF STATE.--Except as
20 otherwise provided by the Uniform Interstate Family Support
21 Act, a responding tribunal of this state shall:

22 (1) apply the procedural and substantive law
23 generally applicable to similar proceedings originating in
24 this state and may exercise all powers and provide all
25 remedies available in those proceedings; and

1 (2) determine the duty of support and the amount
2 payable in accordance with the law and support guidelines of
3 this state."

4 Section 16. Section 40-6A-304 NMSA 1978 (being Laws
5 1994, Chapter 107, Section 304, as amended) is amended to
6 read:

7 "40-6A-304. DUTIES OF INITIATING TRIBUNAL.--

8 (a) Upon the filing of a petition authorized by
9 the Uniform Interstate Family Support Act, an initiating
10 tribunal of this state shall forward the petition and its
11 accompanying documents:

12 (1) to the responding tribunal or
13 appropriate support enforcement agency in the responding
14 state; or

15 (2) if the identity of the responding
16 tribunal is unknown, to the state information agency of the
17 responding state with a request that they be forwarded to the
18 appropriate tribunal and that receipt be acknowledged.

19 (b) If requested by the responding tribunal, a
20 tribunal of this state shall issue a certificate or other
21 document and make findings required by the law of the
22 responding state. If the responding state is a foreign
23 country or political subdivision, upon request, the tribunal
24 shall specify the amount of support sought, convert that
25 amount into the equivalent amount in the foreign currency

1 under applicable official or market exchange rate as publicly
2 reported and provide any other documents necessary to satisfy
3 the requirements of the responding state."

4 Section 17. Section 40-6A-305 NMSA 1978 (being Laws
5 1994, Chapter 107, Section 305, as amended) is amended to
6 read:

7 "40-6A-305. DUTIES AND POWERS OF RESPONDING TRIBUNAL.--

8 (a) When a responding tribunal of this state
9 receives a petition or comparable pleading from an initiating
10 tribunal or directly pursuant to Subsection (b) of Section
11 40-6A-301 NMSA 1978, it shall cause the petition or pleading
12 to be filed and notify the petitioner where and when it was
13 filed.

14 (b) A responding tribunal of this state, to the
15 extent not prohibited by other law, may do one or more of the
16 following:

17 (1) issue or enforce a support order, modify
18 a child-support order, determine the controlling
19 child-support order or determine parentage;

20 (2) order an obligor to comply with a
21 support order, specifying the amount and the manner of
22 compliance;

23 (3) order income withholding;

24 (4) determine the amount of any arrearage
25 and specify a method of payment;

1 (5) enforce orders by civil or criminal
2 contempt, or both;

3 (6) set aside property for satisfaction of
4 the support order;

5 (7) place liens and order execution on the
6 obligor's property;

7 (8) order an obligor to keep the tribunal
8 informed of the obligor's current residential address,
9 telephone number, employer, address of employment and
10 telephone number at the place of employment;

11 (9) issue a bench warrant for an obligor who
12 has failed after proper notice to appear at a hearing ordered
13 by the tribunal and enter the bench warrant in any local and
14 state computer systems for criminal warrants;

15 (10) order the obligor to seek appropriate
16 employment by specified methods;

17 (11) award reasonable attorney's fees and
18 other fees and costs; and

19 (12) grant any other available remedy.

20 (c) A responding tribunal of this state shall
21 include in a support order issued under the Uniform
22 Interstate Family Support Act, or in the documents
23 accompanying the order, the calculations on which the support
24 order is based.

25 (d) A responding tribunal of this state may not

1 condition the payment of a support order issued under the
2 Uniform Interstate Family Support Act upon compliance by a
3 party with provisions for visitation.

4 (e) If a responding tribunal of this state issues
5 an order under the Uniform Interstate Family Support Act, the
6 tribunal shall send a copy of the order to the petitioner and
7 the respondent and to the initiating tribunal, if any.

8 (f) If requested to enforce a support order,
9 arrears or judgment or modify a support order stated in a
10 foreign currency, a responding tribunal of this state shall
11 convert the amount stated in the foreign currency to the
12 equivalent amount in dollars under applicable official or
13 market exchange rate as publicly reported."

14 Section 18. Section 40-6A-306 NMSA 1978 (being Laws
15 1994, Chapter 107, Section 306, as amended) is amended to
16 read:

17 "40-6A-306. INAPPROPRIATE TRIBUNAL.--If a petition or
18 comparable pleading is received by an inappropriate tribunal
19 of this state, the tribunal shall forward the pleading and
20 accompanying documents to an appropriate tribunal in this
21 state or another state and notify the petitioner where and
22 when the pleading was sent."

23 Section 19. Section 40-6A-307 NMSA 1978 (being Laws
24 1994, Chapter 107, Section 307, as amended) is amended to
25 read:

1 "40-6A-307. DUTIES OF SUPPORT ENFORCEMENT AGENCY.--

2 (a) A support enforcement agency of this state,
3 upon request, shall provide services to a petitioner in a
4 proceeding under the Uniform Interstate Family Support Act.

5 (b) A support enforcement agency of this state
6 that is providing services to the petitioner shall:

7 (1) take all steps necessary to enable an
8 appropriate tribunal in this state or another state to obtain
9 jurisdiction over the respondent;

10 (2) request an appropriate tribunal to set a
11 date, time and place for a hearing;

12 (3) make a reasonable effort to obtain all
13 relevant information, including information as to income and
14 property of the parties;

15 (4) within two days, exclusive of Saturdays,
16 Sundays and legal holidays, after receipt of a written notice
17 in a record from an initiating, responding or registering
18 tribunal, send a copy of the notice to the petitioner;

19 (5) within two days, exclusive of Saturdays,
20 Sundays and legal holidays, after receipt of a written
21 communication in a record from the respondent or the
22 respondent's attorney, send a copy of the communication to
23 the petitioner; and

24 (6) notify the petitioner if jurisdiction
25 over the respondent cannot be obtained.

1 (c) A support enforcement agency of this state
2 that requests registration of a child-support order in this
3 state for enforcement or for modification shall make
4 reasonable efforts:

5 (1) to ensure that the order to be
6 registered is the controlling order; or

7 (2) if two or more child-support orders
8 exist and the identity of the controlling order has not been
9 determined, to ensure that a request for such a determination
10 is made in a tribunal having jurisdiction to do so.

11 (d) A support enforcement agency of this state
12 that requests registration and enforcement of a support
13 order, arrears or judgment stated in a foreign currency shall
14 convert the amounts stated in the foreign currency into the
15 equivalent amounts in dollars under the applicable official
16 or market exchange rate as publicly reported.

17 (e) A support enforcement agency of the state
18 shall issue or request a tribunal of this state to issue a
19 child-support order and an income-withholding order that
20 redirect payment of current support, arrears and interest if
21 requested to do so by a support enforcement agency of another
22 state pursuant to Section 40-6A-319 NMSA 1978.

23 (f) The Uniform Interstate Family Support Act does
24 not create or negate a relationship of attorney and client or
25 other fiduciary relationship between a support enforcement

1 agency or the attorney for the agency and the individual
2 being assisted by the agency."

3 Section 20. Section 40-6A-308 NMSA 1978 (being Laws
4 1994, Chapter 107, Section 308) is amended to read:

5 "40-6A-308. DUTY OF ATTORNEY GENERAL.--

6 (a) If the attorney general determines that the
7 support enforcement agency is neglecting or refusing to
8 provide services to an individual, the attorney general may
9 order the agency to perform its duties under the Uniform
10 Interstate Family Support Act or may provide those services
11 directly to the individual.

12 (b) The attorney general may determine that a
13 foreign country or political subdivision has established a
14 reciprocal arrangement for child support with this state and
15 take appropriate action for notification of the
16 determination."

17 Section 21. Section 40-6A-310 NMSA 1978 (being Laws
18 1994, Chapter 107, Section 310) is amended to read:

19 "40-6A-310. DUTIES OF STATE INFORMATION AGENCY.--

20 (a) The human services department is the state
21 information agency under the Uniform Interstate Family
22 Support Act.

23 (b) The state information agency shall:

24 (1) compile and maintain a current list,
25 including addresses, of the tribunals in this state which

1 have jurisdiction under the Uniform Interstate Family Support
2 Act and any support enforcement agencies in this state and
3 transmit a copy to the state information agency of every
4 other state;

5 (2) maintain a register of names and
6 addresses of tribunals and support enforcement agencies
7 received from other states;

8 (3) forward to the appropriate tribunal in
9 the county in this state in which the obligee who is an
10 individual or the obligor resides, or in which the obligor's
11 property is believed to be located, all documents concerning
12 a proceeding under the Uniform Interstate Family Support Act
13 received from an initiating tribunal or the state information
14 agency of the initiating state; and

15 (4) obtain information concerning the
16 location of the obligor and the obligor's property within
17 this state not exempt from execution, by such means as postal
18 verification and federal or state locator services,
19 examination of telephone directories, requests for the
20 obligor's address from employers and examination of
21 governmental records, including, to the extent not prohibited
22 by other law, those relating to real property, vital
23 statistics, law enforcement, taxation, motor vehicles,
24 driver's licenses and social security."

1 1994, Chapter 107, Section 311) is amended to read:

2 "40-6A-311. PLEADINGS AND ACCOMPANYING DOCUMENTS.--

3 (a) In a proceeding under the Uniform Interstate
4 Family Support Act, a petitioner seeking to establish a
5 support order, to determine parentage or to register and
6 modify a support order of another state shall file a
7 petition. Unless otherwise ordered under Section 40-6A-312
8 NMSA 1978, the petition or accompanying documents shall
9 provide, so far as known, the name, residential address and
10 social security numbers of the obligor and the obligee or the
11 parent and alleged parent and the name, sex, residential
12 address, social security number and date of birth of each
13 child for whose benefit support is sought or whose parentage
14 is to be determined. Unless filed at the time of
15 registration, the petition shall be accompanied by a copy of
16 any support order known to have been issued by another
17 tribunal. The petition may include any other information
18 that may assist in locating or identifying the respondent.

19 (b) The petition shall specify the relief sought.
20 The petition and accompanying documents shall conform
21 substantially with the requirements imposed by the forms
22 mandated by federal law for use in cases filed by a support
23 enforcement agency."

24 Section 23. Section 40-6A-312 NMSA 1978 (being Laws
25 1994, Chapter 107, Section 312) is amended to read:

1 "40-6A-312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL
2 CIRCUMSTANCES.--If a party alleges in an affidavit or a
3 pleading under oath that the health, safety or liberty of a
4 party or child would be jeopardized by disclosure or specific
5 identifying information, that information shall be sealed and
6 may not be disclosed to the other party or the public. After
7 a hearing in which a tribunal takes into consideration the
8 health, safety or liberty of the party or child, the tribunal
9 may order disclosure of information that the tribunal
10 determines to be the interest of justice."

11 Section 24. Section 40-6A-313 NMSA 1978 (being Laws
12 1994, Chapter 107, Section 313) is amended to read:

13 "40-6A-313. COSTS AND FEES.--

14 (a) The petitioner may not be required to pay a
15 filing fee or other costs.

16 (b) If an obligee prevails, a responding tribunal
17 may assess against an obligor filing fees, reasonable
18 attorney's fees, other costs and necessary travel and other
19 reasonable expenses incurred by the obligee and the obligee's
20 witnesses. The tribunal may not assess fees, costs or
21 expenses against the obligee or the support enforcement
22 agency of either the initiating or the responding state,
23 except as provided by other law. Attorney's fees may be
24 taxed as costs and may be ordered paid directly to the
25 attorney, who may enforce the order in the attorney's own

1 name. Payment of support owed to the obligee has priority
2 over fees, costs and expenses.

3 (c) The tribunal shall order the payment of costs
4 and reasonable attorney's fees if it determines that a
5 hearing was requested primarily for delay. In a proceeding
6 under Sections 40-6A-601 through 40-6A-615 NMSA 1978, a
7 hearing is presumed to have been requested primarily for
8 delay if a registered support order is confirmed or enforced
9 without change."

10 Section 25. Section 40-6A-314 NMSA 1978 (being Laws
11 1994, Chapter 107, Section 314) is amended to read:

12 "40-6A-314. LIMITED IMMUNITY OF PETITIONER.--

13 (a) Participation by a petitioner in a proceeding
14 under the Uniform Interstate Family Support Act before a
15 responding tribunal, whether in person, by private attorney
16 or through services provided by the support enforcement
17 agency, does not confer personal jurisdiction over the
18 petitioner in another proceeding.

19 (b) A petitioner is not amenable to service of
20 civil process while physically present in this state to
21 participate in a proceeding under the Uniform Interstate
22 Family Support Act.

23 (c) The immunity granted by this section does not
24 extend to civil litigation based on acts unrelated to a
25 proceeding under the Uniform Interstate Family Support Act

1 committed by a party while present in this state to
2 participate in the proceeding."

3 Section 26. Section 40-6A-316 NMSA 1978 (being Laws
4 1994, Chapter 107, Section 316) is amended to read:

5 "40-6A-316. SPECIAL RULES OF EVIDENCE AND PROCEDURE.--

6 (a) The physical presence of a nonresident party
7 who is an individual in a tribunal of this state is not
8 required for the establishment, enforcement or modification
9 of a support order or the rendition of a judgment determining
10 parentage.

11 (b) An affidavit, a document substantially
12 complying with federally mandated forms, or a document
13 incorporated by reference in any of them that would not be
14 excluded under the hearsay rule if given in person, is
15 admissible in evidence if given under penalty of perjury by a
16 party or witness residing in another state.

17 (c) A copy of the record of child support payments
18 certified as a true copy of the original by the custodian of
19 the record may be forwarded to a responding tribunal. The
20 copy is evidence of facts asserted in it and is admissible to
21 show whether payments were made.

22 (d) Copies of bills for testing for parentage and
23 for prenatal and postnatal health care of the mother and
24 child, furnished to the adverse party at least ten days
25 before trial, are admissible in evidence to prove the amount

1 of the charges billed and that the charges were reasonable,
2 necessary and customary.

3 (e) Documentary evidence transmitted from another
4 state to a tribunal of this state by telephone, telecopier or
5 other means that do not provide an original record may not be
6 excluded from evidence on an objection based on the means of
7 transmission.

8 (f) In a proceeding under the Uniform Interstate
9 Family Support Act, a tribunal of this state shall permit a
10 party or witness residing in another state to be deposed or
11 to testify by telephone, audiovisual means or other
12 electronic means at a designated tribunal or other location
13 in that state. A tribunal of this state shall cooperate with
14 tribunals of other states in designating an appropriate
15 location for the deposition or testimony.

16 (g) If a party called to testify at a civil
17 hearing refuses to answer on the ground that the testimony
18 may be self-incriminating, the trier of fact may draw an
19 adverse inference from the refusal.

20 (h) A privilege against disclosure of
21 communications between spouses does not apply in a proceeding
22 under the Uniform Interstate Family Support Act.

23 (i) The defense of immunity based on the
24 relationship of husband and wife or parent and child does not
25 apply in a proceeding under the Uniform Interstate Family

1 Support Act.

2 (j) A voluntary acknowledgment of paternity,
3 certified as a true copy, is admissible to establish
4 parentage of the child."

5 Section 27. Section 40-6A-317 NMSA 1978 (being Laws
6 1994, Chapter 107, Section 317) is amended to read:

7 "40-6A-317. COMMUNICATIONS BETWEEN TRIBUNALS.--A
8 tribunal of this state may communicate with a tribunal of
9 another state or foreign country or political subdivision in
10 a record or by telephone or other means to obtain information
11 concerning the laws, the legal effect of a judgment, decree
12 or order of that tribunal and the status of a proceeding in
13 the other state or foreign country or political subdivision.
14 A tribunal of this state may furnish similar information by
15 similar means to a tribunal of another state or foreign
16 country or political subdivision."

17 Section 28. Section 40-6A-319 NMSA 1978 (being Laws
18 1994, Chapter 107, Section 319) is amended to read:

19 "40-6A-319. RECEIPT AND DISBURSEMENT OF PAYMENTS.--

20 (a) A support enforcement agency or tribunal of
21 this state shall disburse promptly any amounts received
22 pursuant to a support order, as directed by the order. The
23 agency or tribunal shall furnish to a requesting party or
24 tribunal of another state a certified statement by the
25 custodian of the record of the amounts and dates of all

1 payments received.

2 (b) If neither the obligor, nor the obligee who is
3 an individual, nor the child resides in this state, upon
4 request from the support enforcement agency of this state or
5 another state, the support enforcement agency of this state
6 or a tribunal of this state shall:

7 (1) direct that the support payment be made
8 to the support enforcement agency in the state in which the
9 obligee is receiving services; and

10 (2) issue and send to the obligor's employer
11 a conforming income-withholding order or an administrative
12 notice of change of payee, reflecting the redirected
13 payments.

14 (c) The support enforcement agency of this state
15 receiving redirected payments from another state pursuant to
16 a law similar to Subsection (b) of this section shall furnish
17 to a requesting party or tribunal of the other state a
18 certified statement by the custodian of the record of the
19 amount and dates of all payments received."

20 Section 29. Section 40-6A-401 NMSA 1978 (being Laws
21 1994, Chapter 107, Section 401) is amended to read:

22 "40-6A-401. PETITION TO ESTABLISH SUPPORT ORDER.--

23 (a) If a support order entitled to recognition
24 under the Uniform Interstate Family Support Act has not been
25 issued, a responding tribunal of this state may issue a

1 support order if:

2 (1) the individual seeking the order resides
3 in another state; or

4 (2) the support enforcement agency seeking
5 the order is located in another state.

6 (b) The tribunal may issue a temporary child
7 support order if the tribunal determines that such an order
8 is appropriate and the individual ordered to pay is:

9 (1) a presumed father of the child;

10 (2) petitioning to have his paternity
11 adjudicated;

12 (3) identified as the father of the child
13 through genetic testing;

14 (4) an alleged father who has declined to
15 submit to genetic testing;

16 (5) shown by clear and convincing evidence
17 to be the father of the child;

18 (6) an acknowledged father as provided by
19 applicable state law;

20 (7) the mother of the child; or

21 (8) an individual who has been ordered to
22 pay child support in a previous proceeding and the order has
23 not been reversed or vacated.

24 (c) Upon finding, after notice and opportunity to
25 be heard, that an obligor owes a duty of support, the

1 tribunal shall issue a support order directed to the obligor
2 and may issue other orders pursuant to Section 40-6A-305 NMSA
3 1978."

4 Section 30. Section 40-6A-501 NMSA 1978 (being Laws
5 1994, Chapter 107, Section 501, as amended) is amended to
6 read:

7 "40-6A-501. EMPLOYER'S RECEIPT OF INCOME-WITHHOLDING
8 ORDER OF ANOTHER STATE.--An income-withholding order issued
9 in another state may be sent by or on behalf of the obligee,
10 or by the support enforcement agency to the obligor's
11 employer without first filing a petition or comparable
12 pleading or registering the order with a tribunal of this
13 state."

14 Section 31. Section 40-6A-502 NMSA 1978 (being Laws
15 1997, Chapter 9, Section 12) is amended to read:

16 "40-6A-502. EMPLOYER'S COMPLIANCE WITH
17 INCOME-WITHHOLDING ORDER OF ANOTHER STATE.--

18 (a) Upon receipt of an income-withholding order,
19 the obligor's employer shall immediately provide a copy of
20 the order to the obligor.

21 (b) The employer shall treat an income-withholding
22 order issued in another state that appears regular on its
23 face as if it had been issued by a tribunal of this state.

24 (c) Except as otherwise provided in Subsection (d)
25 of this section and Section 40-6A-503 NMSA 1978, the employer

1 shall withhold and distribute the funds as directed in the
2 withholding order by complying with terms of the order that
3 specify:

4 (1) the duration and amount of periodic
5 payments of current child support, stated as a sum certain;

6 (2) the person designated to receive
7 payments and the address to which the payments are to be
8 forwarded;

9 (3) medical support, whether in the form of
10 periodic cash payment, stated as a sum certain, or ordering
11 the obligor to provide health insurance coverage for the
12 child under a policy available through the obligor's
13 employment;

14 (4) the amount of periodic payments of fees
15 and costs for a support enforcement agency, the issuing
16 tribunal and the obligee's attorney, stated as sums certain;
17 and

18 (5) the amount of periodic payments of
19 arrearages and interest on arrearages, stated as sums
20 certain.

21 (d) An employer shall comply with the law of the
22 state of the obligor's principal place of employment for
23 withholding from income with respect to:

24 (1) the employer's fee for processing an
25 income-withholding order;

1 (2) the maximum amount permitted to be
2 withheld from the obligor's income; and

3 (3) the times within which the employer
4 shall implement the withholding order and forward the
5 child-support payment."

6 Section 32. Section 40-6A-503 NMSA 1978 (being Laws
7 1997, Chapter 9, Section 13) is amended to read:

8 "40-6A-503. EMPLOYEE'S COMPLIANCE WITH TWO OR MORE
9 INCOME-WITHHOLDING ORDERS.--If an obligor's employer receives
10 two or more income-withholding orders with respect to the
11 earnings of the same obligor, the employer satisfies the
12 terms of the orders if the employer complies with the law of
13 the state of the obligor's principal place of employment to
14 establish the priorities for withholding and allocating
15 income withheld for two or more child-support obligees."

16 Section 33. Section 40-6A-506 NMSA 1978 (being Laws
17 1997, Chapter 9, Section 16) is amended to read:

18 "40-6A-506. CONTEST BY OBLIGOR.--

19 (a) An obligor may contest the validity or
20 enforcement of an income-withholding order issued in another
21 state and received directly by an employer in this state by
22 registering the order in a tribunal of this state and filing
23 a contest to that order as provided in Sections 40-6A-601
24 through 40-6A-615 NMSA 1978, or otherwise contesting the
25 order in the same manner as if the order had been issued by a

1 tribunal of this state.

2 (b) The obligor shall give notice of the contest
3 to:

4 (1) a support enforcement agency providing
5 services to the obligee;

6 (2) each employer that has directly received
7 an income-withholding order relating to the obligor; and

8 (3) the person designated to receive
9 payments in the income-withholding order or, if no person is
10 designated, to the obligee."

11 Section 34. Section 40-6A-507 NMSA 1978 (being Laws
12 1997, Chapter 9, Section 17) is amended to read:

13 "40-6A-507. ADMINISTRATIVE ENFORCEMENT OF ORDERS.--

14 (a) A party or support enforcement agency seeking
15 to enforce a support order or an income-withholding order, or
16 both, issued by a tribunal of another state may send the
17 documents required for registering the order to a support
18 enforcement agency of this state.

19 (b) Upon receipt of the documents, the support
20 enforcement agency, without initially seeking to register the
21 order, shall consider and, if appropriate, use any
22 administrative procedure authorized by the law of this state
23 to enforce a support order or an income-withholding order, or
24 both. If the obligor does not contest administrative
25 enforcement, the order need not be registered. If the

1 obligor contests the validity or administrative enforcement
2 of the order, the support enforcement agency shall register
3 the order pursuant to the Uniform Interstate Family Support
4 Act."

5 Section 35. Section 40-6A-601 NMSA 1978 (being Laws
6 1994, Chapter 107, Section 601) is amended to read:

7 "40-6A-601. REGISTRATION OF ORDER FOR ENFORCEMENT.--
8 A support order or income-withholding order issued by a
9 tribunal of another state may be registered in this state for
10 enforcement."

11 Section 36. Section 40-6A-602 NMSA 1978 (being Laws
12 1994, Chapter 107, Section 602) is amended to read:

13 "40-6A-602. PROCEDURE TO REGISTER ORDER FOR
14 ENFORCEMENT.--

15 (a) A support order or income-withholding order of
16 another state may be registered in this state by sending the
17 following records and information to the appropriate tribunal
18 in this state:

19 (1) a letter of transmittal to the tribunal
20 requesting registration and enforcement;

21 (2) two copies, including one certified
22 copy, of the order to be registered, including any
23 modification of the order;

24 (3) a sworn statement by the person
25 requesting registration or a certified statement by the

1 custodian of the records showing the amount of any arrearage;

2 (4) the name of the obligor and, if known:

3 (i) the obligor's address and social
4 security number;

5 (ii) the name and address of the
6 obligor's employer and any other source of income of the
7 obligor; and

8 (iii) a description and the location of
9 property of the obligor in this state not exempt from
10 execution; and

11 (5) except as otherwise provided in Section
12 40-6A-312 NMSA 1978, the name and address of the obligee and,
13 if applicable, the person to whom support payments are to be
14 remitted.

15 (b) On receipt of a request for registration, the
16 registering tribunal shall cause the order to be filed as a
17 foreign judgment, together with one copy of the documents and
18 information, regardless of their form.

19 (c) A petition or comparable pleading seeking a
20 remedy that must be affirmatively sought under other law of
21 this state may be filed at the same time as the request for
22 registration or later. The pleading shall specify the
23 grounds for the remedy sought.

24 (d) If two or more orders are in effect, the
25 person requesting registration shall:

1 (1) furnish to the tribunal a copy of every
2 support order asserted to be in effect in addition to the
3 documents specified in this section;

4 (2) specify the order alleged to be the
5 controlling order, if any; and

6 (3) specify the amount of consolidated
7 arrears, if any.

8 (e) A request for a determination of which is the
9 controlling order may be filed separately or with a request
10 for registration and enforcement or for registration and
11 modification. The person requesting registration shall give
12 notice of the request to each party whose rights may be
13 affected by the determination."

14 Section 37. Section 40-6A-604 NMSA 1978 (being Laws
15 1994, Chapter 107, Section 604) is amended to read:

16 "40-6A-604. CHOICE OF LAW.--

17 (a) Except as otherwise provided in Subsection (d)
18 of this section, the law of the issuing state governs:

19 (1) the nature, extent, amount and duration
20 of current payments under a registered support order;

21 (2) the computation and payment of
22 arrearages and accrual of interest on the arrearages under
23 the support order; and

24 (3) the existence and satisfaction of other
25 obligations under the support order.

1 (b) In a proceeding for arrears under a registered
2 support order, the statute of limitation of this state or of
3 the issuing state, whichever is longer, applies.

4 (c) A responding tribunal of this state shall
5 apply the procedures and remedies of this state to enforce
6 current support and collect arrears and interest due on a
7 support order of another state registered in this state.

8 (d) After a tribunal of this or another state
9 determines which is the controlling order and issues an order
10 consolidating arrears, if any, a tribunal of this state shall
11 prospectively apply the law of the state issuing the
12 controlling order, including its law on interest on arrears,
13 on current and future support, and on consolidated arrears."

14 Section 38. Section 40-6A-605 NMSA 1978 (being Laws
15 1994, Chapter 107, Section 605, as amended) is amended to
16 read:

17 "40-6A-605. NOTICE OF REGISTRATION OF ORDER.--

18 (a) When a support order or income-withholding
19 order issued in another state is registered, the registering
20 tribunal shall notify the nonregistering party. The notice
21 shall be accompanied by a copy of the registered order and
22 the documents and relevant information accompanying the
23 order.

24 (b) A notice shall inform the nonregistering
25 party:

1 (1) that a registered order is enforceable
2 as of the date of registration in the same manner as an order
3 issued by a tribunal of this state;

4 (2) that a hearing to contest the validity
5 or enforcement of the registered order must be requested
6 within twenty days after notice;

7 (3) that failure to contest the validity or
8 enforcement of the registered order in a timely manner will
9 result in confirmation of the order and enforcement of the
10 order and the alleged arrearage and precludes further contest
11 of that order with respect to any matter that could have been
12 asserted; and

13 (4) of the amount of any alleged arrearage.

14 (c) If the registering party asserts that two or
15 more orders are in effect, a notice shall also:

16 (1) identify the two or more orders and the
17 order alleged by the registering person to be the controlling
18 order and the consolidated arrears, if any;

19 (2) notify the nonregistering party of the
20 right to a determination of which is the controlling order;

21 (3) state that the procedures provided in
22 Subsection (b) of this section apply to the determination of
23 which is the controlling order; and

24 (4) state that failure to contest the
25 validity or enforcement of the order alleged to be the

1 controlling order in a timely manner may result in
2 confirmation that the order is the controlling order.

3 (d) Upon registration of an income-withholding
4 order for enforcement, the registering tribunal shall notify
5 the obligor's employer."

6 Section 39. Section 40-6A-607 NMSA 1978 (being Laws
7 1994, Chapter 107, Section 607) is amended to read:

8 "40-6A-607. CONTEST OF REGISTRATION OR ENFORCEMENT.--

9 (a) A party contesting the validity or enforcement
10 of a registered order or seeking to vacate the registration
11 has the burden of proving one or more of the following
12 defenses:

13 (1) the issuing tribunal lacked personal
14 jurisdiction over the contesting party;

15 (2) the order was obtained by fraud;

16 (3) the order has been vacated, suspended or
17 modified by a later order;

18 (4) the issuing tribunal has stayed the
19 order pending appeal;

20 (5) there is a defense under the law of this
21 state to the remedy sought;

22 (6) full or partial payment has been made;

23 (7) the statute of limitation under Section
24 40-6A-604 NMSA 1978 precludes enforcement of some or all of
25 the alleged arrearage; or

1 (8) the alleged controlling order is not the
2 controlling order.

3 (b) If a party presents evidence establishing a
4 full or partial defense under Subsection (a) of this section,
5 a tribunal may stay enforcement of the registered order,
6 continue the proceeding to permit production of additional
7 relevant evidence and issue other appropriate orders. An
8 uncontested portion of the registered order may be enforced
9 by all remedies available under the law of this state.

10 (c) If the contesting party does not establish a
11 defense under Subsection (a) of this section to the validity
12 or enforcement of the order, the registering tribunal shall
13 issue an order confirming the order."

14 Section 40. Section 40-6A-610 NMSA 1978 (being Laws
15 1994, Chapter 107, Section 610) is amended to read:

16 "40-6A-610. EFFECT OF REGISTRATION FOR MODIFICATION.--
17 A tribunal of this state may enforce a child support order of
18 another state registered for purposes of modification, in the
19 same manner as if the order had been issued by a tribunal of
20 this state, but the registered order may be modified only if
21 the requirements of Sections 40-6A-611, 40-6A-613 and
22 40-6A-615 NMSA 1978 have been met."

23 Section 41. Section 40-6A-611 NMSA 1978 (being Laws
24 1994, Chapter 107, Section 611, as amended) is amended to
25 read:

1 "40-6A-611. MODIFICATION OF CHILD-SUPPORT ORDER OF
2 ANOTHER STATE.--

3 (a) If Section 40-6A-613 NMSA 1978 does not apply,
4 except as otherwise provided in Section 40-6A-615 NMSA 1978,
5 upon petition a tribunal of this state may modify a
6 child-support order issued in another state that is
7 registered in this state if, after notice and hearing, the
8 tribunal finds that:

9 (1) the following requirements are met:

10 (i) neither the child, nor the obligee
11 who is an individual nor the obligor resides in the issuing
12 state;

13 (ii) a petitioner who is a nonresident
14 of this state seeks modification; and

15 (iii) the respondent is subject to the
16 personal jurisdiction of the tribunal of this state; or

17 (2) this state is the state of residence of
18 the child or a party who is an individual is subject to the
19 personal jurisdiction of the tribunal of this state and all
20 of the parties who are individuals have filed consents in a
21 record in the issuing tribunal for a tribunal of this state
22 to modify the support order and assume continuing, exclusive
23 jurisdiction.

24 (b) Modification of a registered child-support
25 order is subject to the same requirements, procedures and

1 defenses that apply to the modification of an order issued by
2 a tribunal of this state, and the order may be enforced and
3 satisfied in the same manner.

4 (c) Except as otherwise provided in Section
5 40-6A-615 NMSA 1978, a tribunal of this state may not modify
6 any aspect of a child-support order that may not be modified
7 under the law of the issuing state, including the duration of
8 the obligation of support. If two or more tribunals have
9 issued child-support orders for the same obligor and same
10 child, the order that controls and shall be so recognized
11 under Section 40-6A-207 NMSA 1978 establishes the aspects of
12 the support order which are nonmodifiable.

13 (d) In a proceeding to modify a child-support
14 order, the law of the state that is determined to have issued
15 the initial controlling order governs the duration of the
16 obligation of support. The obligor's fulfillment of the duty
17 of support established by that order precludes imposition of
18 further obligation of support by a tribunal of this state.

19 (e) On issuance of an order by a tribunal of this
20 state modifying a child-support order issued in another
21 state, the tribunal of this state becomes the tribunal having
22 continuing, exclusive jurisdiction."

23 Section 42. Section 40-6A-612 NMSA 1978 (being Laws
24 1994, Chapter 107, Section 612) is amended to read:

25 "40-6A-612. RECOGNITION OF ORDER MODIFIED IN ANOTHER

1 STATE.--If a child-support order issued by a tribunal of this
2 state is modified by a tribunal of another state which
3 assumed jurisdiction pursuant to the Uniform Interstate
4 Family Support Act, a tribunal of this state:

5 (1) may enforce its order that was modified only
6 as to arrears and interest accruing before the modification;

7 (2) may provide appropriate relief for violations
8 of its order which occurred before the effective date of the
9 modification; and

10 (3) shall recognize the modifying order of the
11 other state, upon registration, for the purpose of
12 enforcement."

13 Section 43. A new section of the Uniform Interstate
14 Family Support Act, Section 40-6A-615 NMSA 1978, is enacted
15 to read:

16 "40-6A-615. JURISDICTION TO MODIFY CHILD-SUPPORT ORDER
17 OF FOREIGN COUNTRY OR POLITICAL SUBDIVISION.--

18 (a) If a foreign country or political subdivision
19 that is a state will not or may not modify its order pursuant
20 to its laws, a tribunal of this state may assume jurisdiction
21 to modify the child-support order and bind all individuals
22 subject to the personal jurisdiction of the tribunal whether
23 or not the consent to modification of a child-support order
24 otherwise required of the individual pursuant to Section
25 40-6A-611 NMSA 1978 has been given or whether the individual

1 seeking modification is a resident of this state or of the
2 foreign country or political subdivision.

3 (b) An order issued pursuant to this section is
4 the controlling order."

5 Section 44. Section 40-6A-701 NMSA 1978 (being Laws
6 1994, Chapter 107, Section 701) is amended to read:

7 "40-6A-701. PROCEEDING TO DETERMINE PARENTAGE.--A court
8 of this state authorized to determine parentage of a child
9 may serve as a responding tribunal in a proceeding to
10 determine parentage brought under the Uniform Interstate
11 Family Support Act or a law substantially similar to that
12 act."

13 Section 45. Section 40-6A-801 NMSA 1978 (being Laws
14 1994, Chapter 107, Section 801) is amended to read:

15 "40-6A-801. GROUNDS FOR RENDITION.--

16 (a) For purposes of this article, "governor"
17 includes an individual performing the functions of governor
18 or the executive authority of a state covered by the Uniform
19 Interstate Family Support Act.

20 (b) The governor of this state may:

21 (1) demand that the governor of another
22 state surrender an individual found in the other state who is
23 charged criminally in this state with having failed to
24 provide for the support of an obligee; or

25 (2) on the demand of the governor of another

1 state, surrender an individual found in this state who is
2 charged criminally in the other state with having failed to
3 provide for the support of an obligee.

4 (c) A provision for extradition of individuals not
5 inconsistent with the Uniform Interstate Family Support Act
6 applies to the demand even if the individual whose surrender
7 is demanded was not in the demanding state when the crime was
8 allegedly committed and has not fled therefrom."

9 Section 46. Section 40-6A-802 NMSA 1978 (being Laws
10 1994, Chapter 107, Section 802) is amended to read:

11 "40-6A-802. CONDITIONS OF RENDITION.--

12 (a) Before making demand that the governor of
13 another state surrender an individual charged criminally in
14 this state with having failed to provide for the support of
15 an obligee, the governor of this state may require a
16 prosecutor of this state to demonstrate that at least sixty
17 days previously the obligee had initiated proceedings for
18 support pursuant to the Uniform Interstate Family Support Act
19 or that the proceeding would be of no avail.

20 (b) If, under the Uniform Interstate Family
21 Support Act or a law substantially similar to that act, the
22 governor of another state makes a demand that the governor of
23 this state surrender an individual charged criminally in that
24 state with having failed to provide for the support of a
25 child or other individual to whom a duty of support is owed,

1 the governor may require a prosecutor to investigate the
2 demand and report whether a proceeding for support has been
3 initiated or would be effective. If it appears that a
4 proceeding would be effective but has not been initiated, the
5 governor may delay honoring the demand for a reasonable time
6 to permit the initiation of a proceeding.

7 (c) If a proceeding for support has been initiated
8 and the individual whose rendition is demanded prevails, the
9 governor may decline to honor the demand. If the petitioner
10 prevails and the individual whose rendition is demanded is
11 subject to a support order, the governor may decline to honor
12 the demand if the individual is complying with the support
13 order."

14 Section 47. RECOMPILATION.--

15 A. Section 40-6A-102 NMSA 1978 (being Laws 1994,
16 Chapter 107, Section 102, as amended) is recompiled as
17 Section 40-6A-103 NMSA 1978.

18 B. Section 40-6A-902 NMSA 1978 (being Laws 1994,
19 Chapter 107, Section 902, as amended) is recompiled as Section
20 40-6A-101 NMSA 1978.